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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,008	06/22/2006	Bryan Robert Siewert	60,469-238; OT-5020A	4691
26096 7590 11/28/2007 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER KRUER, STEFAN	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/554,008	SIEWERT ET AL.	
	Examiner	Art Unit	
	Stefan Krueer	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>19OCT05, 31MAY07</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite a plurality of cab-supported- and second hoistway sheaves, respectively, directing the load bearing member toward the first end of the hoistway, which is not supported by the disclosure in that the sheaves do not experience a wrap angle wherein each of the plurality of the sheaves individually direct the load bearing member as claimed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.


Claim 5 recites the limitation "the" in "the tension member". There is insufficient antecedent basis for this limitation in the claim. For purpose of prosecution, "tension member" will be interpreted as "load bearing member".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

 **Claims 1 – 6 and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Hiss (718,762).

Re: Claim 1, Hiss discloses an elevator system (Fig. 2) comprising:

- A cab (1, Fig. 3) that is supported for movement in a hoistway (understood),
- A plurality of cab-supported sheaves (depicted) moving with the cab through the hoistway,
- A first hoistway sheave (either of upper sheave) that is located near a first end of the hoistway,
- A second hoistway sheave (by 14) that is located near a second end of the hoistway,
- A load bearing member (7), which extends from near the first end of the hoistway (approx. designation "Fig. 2") toward the cab, where the load bearing member is redirected by one of the plurality of cab-supported sheaves toward the first end of the hoistway, at least partially wraps around each of the first hoistway sheave and the second hoistway sheave, and
- extends from near the second end of the hoistway toward the cab, where the load bearing member is redirected by another of the plurality of cab-supported sheaves (lower sheave) toward the second end of the hoistway (at 13); and
- A tension device (14) that maintains tension in the load bearing member.

Re: Claim 2, Hiss discloses his load bearing member is roped in a roping ration of greater than 2:1.

Re: Claim 3, Hiss discloses more than one of his of cab-supported sheaves (16, Fig. 3) redirect his load bearing member toward the first end of the hoistway.

Re: Claim 4, Hiss discloses wherein there are a plurality of the second hoistway sheaves (8 and not numbered, Fig. 3), each of which redirects his load bearing member toward the first end of the hoistway

Re: Claim 5, Hiss discloses an end of the load bearing member is secured to the tension device (12a, 12b, Fig. 7, Page 2, Line 54).

Re: Claim 6 Hiss discloses wherein the first end is a top of the hoistway, and the second end is a bottom of the hoistway, so that:

- the load bearing member extends from near the top of the hoistway toward the cab,
- then the load bearing member wraps at least partially around the one of the plurality of cab-supported sheaves and extends back toward the top of the hoistway,
- then the load bearing member wraps at least partially around the first hoistway sheave and extends down toward the bottom of the hoistway,
- then the load bearing member wraps at least partially around the second hoistway sheave and extends toward the cab, and
- then the load bearing member wraps at least partially around the other of the plurality of cab-supported sheaves and extends back toward the bottom of the hoistway.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiss.

Though Hiss is silent with respect to a method of roping his elevator system, the elevator system of **Claims 1 – 6** would necessarily have to be provided and installed in order for the system to function. It would have been obvious to perform all the method steps of **Claims 7 - 10** when installing the system of Hiss above, in a usual and expected fashion, in as much as the method claims recite no limiting steps beyond the provision and installation of the components.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As cited in related application(s), Dover Europe (DE 195 07 628 A1) and Mattlar et al (US 2002/0125079 A1) are cited for reference of a tension device securing a second portion of a load bearing member near a second end of a hoistway, whereby the take-up and release of the respective section lengths of the load bearing member is equalized, thereby permitting the use of a smaller machine with reduction in drive capacity and electrical requirements (Col. 2, line 42 & Col. 5, 28); and "...a counterweight typically equals the mass of the car plus half the nominal load", respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.6856. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

26 November 2007


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600